



Order Filed on January 25, 2024
by Clerk
U.S. Bankruptcy Court
District of New Jersey

THE KELLY FIRM, P.C.

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In re:

VARUN MALIK,

Debtor.

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY**

Case No.: 22-11708 CMG

Hon. Christine M. Gravelle U.S. B. J.

Hearing Date: January 16, 2024

**ORDER APPROVING SALE OF 44 DENISE DRIVE, EDISON, N.J., "AS IS," "WHERE IS," WITH
NO WARRANTIES EXPRESS OR IMPLIED AND FREE AND CLEAR OF ALL LIENS CLAIMS
AND ENCUMBRANCES, WITH LIENS, CLAIMS AND ENCUMBRANCES TO ATTACH TO
PROCEEDS, AUTHORIZING THE TRUSTEE TO EXECUTE ALL CLOSING DOCUMENTS, MAKE
DISTRIBUTIONS, AND DETERMNING THE BUYER IS A GOOD FAITH PURCHASER FOR
VALUE.**

The relief set forth on the following page, number
DATED: January 25, 2024

Handwritten signature of Christine M. Gravelle in black ink.

Honorable Christine M. Gravelle
United States Bankruptcy Judge

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Debtor: Varun Malik

Case No.: 22-11708 CMG

Caption of Order: ORDER APPROVING SALE OF 44 DENISE DRIVE, EDISON, NJ

THIS MATTER having been opened to the Court by The Kelly Firm, P.C., attorneys for the Chapter 7 Trustee, Bunce D. Atkinson (the “Trustee”) for the Debtor Estate of Varun Malik seeking approval of a Contract of Sale for the property located at 44 Denise Drive, Edison, N.J. Unit 2094 at the Village Gate at Edison Condominiums a/k/a Block 594.01, Lot 00025, (hereinafter the “Property”); and the Court having read and considered the Trustee’s application and supporting pleadings seeking the entry of the within Order and any timely opposition filed; and the Court having considered the arguments of the competing parties and their counsel presented at the hearing conducted on January 16, 2024; and it appearing that proper notice and service has been provided and made as demonstrated by the Certification of Service filed with this Court; and for good cause being shown; it is hereby

ORDERED AS FOLLOWS:

1. The Sale by the Trustee of the real property located at 44 Denise Drive, Edison, N.J. Unit 2094 at the Village Gate at Edison Condominiums a/k/a Block 594.01, Lot 00025, hereinafter the “Property” to Sweta Bukhariya, (hereinafter the “Buyer”) for the sum of \$410,000 is hereby approved.
2. In the event that the Trustee does not receive the proceeds of sale from Buyer by 3:00 p.m. EST on February 6, 2024, the Contract with Buyer and Buyer’s opportunity to purchase the property shall be deemed terminated without any further notice to Buyer required.

3. In the event the Contract with Buyer is terminated in accordance with Paragraph 2 above, the Trustee may proceed with selling the Property to the backup Buyer, Gautham Gorla (hereinafter the “Backup Buyer”) for the sum of \$480,000.00. The Trustee and the Backup Buyer will execute a contract with a closing date to be determined.

4. The Trustee be and hereby is authorized to execute any and all documents necessary to effectuate the sale of the Property to the Buyer (or in the alternative the Backup Buyer should the Buyer’s Contract be terminated in accordance with Paragraph 2 above), including but not limited to a Trustee Deed, Affidavit of Title, and Closing Statement, and to make payment to HSBC BANK USA, N.A, and PNC BANK N.A. for the balance due on the first and second mortgages, to pay to any outstanding real estate taxes to the Township of Edison, to pay all assessments, special assessments, fees and expenses owed to the Village Gate at Edison Condominium Association, to pay Auction Advisors \$16,040 representing a 4% commission of the sale price together with expenses not to exceed \$1,000 upon submission of proof of expenses to the Trustee, and to pay the balance of the sale proceeds to FULTON BANK, less a \$35,000 carve out to be paid to the Debtor Estate from the amount paid to FULTON BANK.

5. The Court finds that the Buyer Sweta Bukhariya, who is not related to the Trustee, the auctioneer, the attorneys for the Trustee, or the Debtor, and who is not a creditor of the Debtor Estate, is a good faith purchaser for value and entitled to all the protections of 11 U.S.C. 363(m). The Court also finds that the Backup Buyer Gautham Gorla, who is not related to the Trustee, the auctioneer, the attorneys for the Trustee, or the Debtor, and who is not a creditor of the Debtor Estate, is a good faith purchaser for value and entitled to all the protections of 11 U.S.C. 363(m).

6. The sale of the Property by the Trustee is “AS IS,” “WHERE IS,” with no warranties express or implied, including but not limited to warranties of Fitness for a Particular Purpose or for Habitability. The Buyer (or in the alternative the Backup Buyer should the Buyer’s Contract be terminated in accordance with Paragraph 2 above) shall be responsible for any and all repairs necessary to obtain a Certificate of Occupancy if one is required, or to make arrangements with the Township of Edison to make any required repairs after the closing of title. The sale is free and clear of all liens, including all judgments of foreclosure, mortgages, real estate tax liens, tax liens, judgments, and encumbrances, with valid liens, claims and encumbrances, to attach to the proceeds of sale.

7. The sale of the Property is subject to the By-laws and Master Deed of the Village Gate at Edison Condominium Association, Inc.

8. The 14-day stay under Federal Rule of Bankruptcy Procedure 6004(h) is hereby waived.

In re:
Varun Malik
Debtor

Case No. 22-11708-CMG
Chapter 7

CERTIFICATE OF NOTICE

District/off: 0312-3
Date Rcvd: Jan 25, 2024

User: admin
Form ID: pdf903

Page 1 of 2
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 27, 2024:

Recip ID	Recipient Name and Address
db	+ Varun Malik, 21 Maida Road, Edison, NJ 08820-2531

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jan 27, 2024

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 25, 2024 at the address(es) listed below:

Name	Email Address
Andrew J. Kelly	on behalf of Trustee Bunce Atkinson akelly@kbtlaw.com wsheridan@kbtlaw.com;aleight@kbtlaw.com
Brian W. Hofmeister	on behalf of Trustee Brian W. Hofmeister bwh@hofmeisterfirm.com J119@ecfcbis.com
Bruce H Levitt	on behalf of Defendant Varun Malik blevitt@levittslafkes.com sslafkes@levittslafkes.com;lspcattorneys@gmail.com;hbr69524@notify.bestcase.com;lsbankruptcynotices@gmail.com
Bruce H Levitt	on behalf of Debtor Varun Malik blevitt@levittslafkes.com sslafkes@levittslafkes.com;lspcattorneys@gmail.com;hbr69524@notify.bestcase.com;lsbankruptcynotices@gmail.com
Bunce Atkinson	on behalf of Trustee Bunce Atkinson bunceatkinson@aol.com NJ09@ecfcbis.com;maraujo@atkinsondebartolo.org.atkinson@remote7solutions.com

District/off: 0312-3

User: admin

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Date Rcvd: Jan 25, 2024

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Total Noticed: 1

Bunce Atkinson	bunceatkinson@aol.com NJ09@ecfcbis.com,maraujo@atkinsondebartolo.org,atkinson@remote7solutions.com
Bunce Atkinson	on behalf of Appraiser Robert Gagliano bunceatkinson@aol.com NJ09@ecfcbis.com,maraujo@atkinsondebartolo.org,atkinson@remote7solutions.com
Denise E. Carlon	on behalf of Creditor PNC Bank National Association dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Eamonn O'Hagan	on behalf of Creditor U.S. Small Business Administration eamonn.ohagan@usdoj.gov
Joseph M. Shapiro	on behalf of Plaintiff Varun Malik jshapiro@middlebrooksshapiro.com
Margaret Mcgee	on behalf of U.S. Trustee U.S. Trustee maggie.mcgee@usdoj.gov
Mark E. Hall	on behalf of Spec. Counsel Fox Rothschild LLP mhall@foxrothschild.com, cbrown@foxrothschild.com
Marlena S. Diaz-Cobo	on behalf of Creditor Village Gate at Edison Condominium Association Inc. collections@theassociationlawyers.com
Michael A. Artis	on behalf of U.S. Trustee U.S. Trustee michael.a.artis@usdoj.gov
Morris S. Bauer	on behalf of Plaintiff FULTON BANK N.A. MSBauer@duanemorris.com, tjsantorelli@duanemorris.com
Morris S. Bauer	on behalf of Creditor FULTON BANK N.A. MSBauer@duanemorris.com, tjsantorelli@duanemorris.com
Morris S. Bauer	on behalf of Defendant Fulton Bank N.A. MSBauer@duanemorris.com, tjsantorelli@duanemorris.com
Paul S. Doherty, III	on behalf of Unknown Role Type Glenwood Office Furniture II pdoherty@hdrbb.com
Paul S. Doherty, III	on behalf of Unknown Role Type Swati Bhatheja pdoherty@hdrbb.com
Paul S. Doherty, III	on behalf of Unknown Role Type Ravi Uppal pdoherty@hdrbb.com
R. A. Lebron	on behalf of Creditor HSBC Bank USA N.A. bankruptcy@fskslaw.com
Rebecca K. McDowell	on behalf of Creditor TD Bank N.A. rmcdowell@slgcollect.com, anovoa@slgcollect.com
Robert P. Saltzman	on behalf of Creditor HSBC BANK USA N.A. dnj@pbslaw.org
U.S. Trustee	USTPRegion03.NE.ECF@usdoj.gov
United States Trustee	USTPRegion03.NE.ECF@usdoj.gov
William H Brosha	on behalf of Creditor Village Gate at Edison Condominium Association Inc. collections@theassociationlawyers.com
TOTAL: 26	